REMARKS

In response to the Office Action mailed December 10, 2008, the Applicants sincerely request reconsideration in view of the above claim amendments and the following remarks. Claims 1, 17, and 26 have been amended for clarification and claims 34-37 and 41 have been canceled without prejudice or disclaimer. Support for the amendments may be found in at least paragraphs 0082 and 0096-0098 in the Specification. No new matter has been added.

Applicants' Statement of the Substance of the Interview

A telephonic interview between the undersigned representative for the Applicants and the Examiner was held on February 10, 2009 to discuss proposed amendments to the claims in view of the rejection under 35 U.S.C. §102. No agreement was reached with respect to patentability for the pending claims. The Examiner indicated that an updated search would be performed with respect to the amended claim recitations.

Claim Rejections – 35 U.S.C. § 102(b)

Claims 1-4, 7-10, 12-18, 20-21, 23-24, 26-29, 31-37, and 41 stand rejected under 35 U.S.C. 102(b) as being anticipated by Breinberg et al., U.S. Patent No. 5,886,694, (hereinafter *Breinberg*). The rejection of these claims is respectfully traversed.

Amended Claim 1 recites a method of making ready for presentation a graphical element in a computer application program by communicating with a computer operating system comprising, *inter alia*, maintaining a measure queue storing a list of elements to be measured; maintaining an arrange queue storing a list of elements to be arranged; executing a first procedure for measuring the element, wherein the first procedure at least determines whether the element has one or more children, determines, if the element has one or more children, whether the one or more children of the element is to be measured, and determines a size for the element based on an element type for the element when the element has no children, wherein if the element is determined to have one or more children, then the element is determined to be a parent element, wherein if it is determined that the one or more children of the parent element is to be measured, then only the parent element is stored in the measure queue, wherein executing

the first procedure for measuring the element recursively executes the first procedure on one or more child elements of the parent element, wherein if it is determined that the one or more children of the parent element is not to be measured, then the one or more children of the parent element is determined to be an orphan, and wherein executing the first procedure for measuring the element does not recursively execute the first procedure on the orphan, and wherein the orphan is removed from the measure queue; and executing a second procedure for arranging the element, wherein the element is stored in the arrange queue.

Breinberg discusses a mechanism that allows a computer program having a graphical user interface (GUI) to display a window containing controls that are properly positioned and sized within the window. (*See Breinberg* column 4, lines 19-22.) The mechanism of *Breinberg* includes program code that divides a window into rectangular regions, and specifies a logical description of the relative positions of the controls and regions. (*See Breinberg* column 4, lines 22-25.) *Breinberg* also discusses program code that automatically determines the precise coordinates of each control, and positions the controls accordingly during execution of the computer program that is displaying the dialog window. (*See Breinberg* column 4, lines 25-29.)

In contrast with Claim 1, *Breinberg* is silent with respect to the use of queues for measuring and arranging graphical elements. Since *Breinberg* fails to disclose queues, the reference is also silent with respect to only storing a parent element in the measure queue when it is determined that the one or more children of the parent element is to be measured, recursion (i.e., executing the first procedure for measuring the element recursively executes the first procedure on one or more child elements of the parent element), and the removal of orphans (i.e., child elements which are not to be measured) from the measure queue.

Accordingly, amended independent Claim 1 patentably distinguishes the present invention over the cited art, and Applicants respectfully request withdrawal of this rejection of Claim 1. Dependent Claims 2-4, and 7-16 are also allowable at least for the reasons described above regarding independent Claim 1, and by virtue of their dependency upon independent Claim 1. Accordingly, Applicants respectfully request withdrawal of this rejection of Claims 2-4 and 7-16.

Amended Claims 17 and 26 recite similar features as those recited in amended claim 1 and thus are allowable over *Breinberg* for at least the same reasons. Accordingly, independent

Claims 17 and 26 patentably distinguish the present invention over the cited art, and Applicants respectfully request withdrawal of these Claims. Dependent Claims 18, 20-23, 27-29 and 32-33 are also allowable at least for the reasons described above regarding independent Claims 17 and 26, and by virtue of their dependency upon the aforementioned claims. Accordingly, Applicants respectfully request withdrawal of the rejection of Claims 18, 20-23, 27-29, and 32-33.

Claim Rejections – 35 U.S.C. § 103(a)

Claims 11 and 22 stand rejected under 35 U.S.C. 103(a) as being unpatentable over *Breinberg* in view of Lupu ("*Lupu*", U.S. Publication 2004/0100480).

Lupu discusses a computer method and system for redirecting messages received from input devices, and may be used for redirecting input messages to applications that have had a window's output redirected. (*See Lupu* paragraph [0020].) *Lupu* discusses that when a redirected application is not aware of a change, a redirection host is responsible for propagating changes in the application's visible appearance on the screen. (*See Lupu* paragraph [0020].)

It is respectfully submitted that the combination of *Breinberg* and *Lupu* fails to teach or suggest maintaining a measure queue storing a list of elements to be measured; maintaining an arrange queue storing a list of elements to be arranged; executing a first procedure for measuring the element, wherein the first procedure at least determines whether the element has one or more children, determines, if the element has one or more children, whether the one or more children of the element is to be measured, and determines a size for the element based on an element type for the element when the element has no children, wherein if the element is determined to have one or more children, then the element is determined to be a parent element, wherein if it is determined that the one or more children of the parent element is to be measured, then only the parent element is stored in the measure queue, wherein executing the first procedure for measuring the element recursively executes the first procedure on one or more child elements of the parent element, wherein if it is determined that the one or more children of the parent element is not to be measured, then the one or more children of the parent element is determined to be an orphan, and wherein executing the first procedure for measuring the element does not recursively execute the first procedure on the orphan, and wherein the orphan is removed from the measure

queue; and executing a second procedure for arranging the element, wherein the element is stored in the arrange queue, as specified in Claims 11 and 22.

Dependent Claims 11 and 22 depend from Claims 1 and 17 and thus are allowable over *Breinberg* at least for the reasons described above regarding independent Claims 1 and 17, and by virtue of their dependency upon independent Claims 1 and 17. *Lupu* is concerned with redirecting messages received from input devices. Thus, *Lupu* fails to cure the deficiencies of *Breinberg* with respect to the use of queues for measuring and arranging graphical elements, only storing a parent element in the measure queue when it is determined that the one or more children of the parent element is to be measured, recursion (i.e., executing the first procedure for measuring the element recursively executes the first procedure on one or more child elements of the parent element), and the removal of orphans (i.e., child elements which are not to be measured) from the measure queue. Accordingly, independent Claims 11 and 17 patentably distinguish the present invention over the cited art. Accordingly, Applicants respectfully request withdrawal of this rejection of Claims 11 and 17.

CONCLUSION

In view of the foregoing amendments and remarks, all pending claims are believed to be allowable and the application is in condition for allowance. Therefore, a Notice of Allowance is respectfully requested. Should the Examiner have any further issues regarding this application, the Examiner is requested to contact the undersigned attorney for the applicant at the telephone number provided below.

Respectfully submitted,

MERCHANT & GOULD P.C.

Date: March 10, 2009

/Alton Hornsby III/
Alton Hornsby III
Reg. No. 47,299

P.O. Box 2903
Minneapolis, MN 55402-0903
404.954.5064

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PATENT TRADEMARK OFFICE